HON'BLE SRI JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.17749 OF 2001

&

CONTEMPT CASE NO.46 OF 2005

DATE:27.04.2006

WRIT PETITION NO.17749 OF 2001

Between:

Samala Balakrishnaiah & three others

..... PETITIONERS

AND

The Government of A.P., rep. by its

Principal Secretary, I & CAD (P.W.) Department,

Secretariat, Hyderabad & two others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

WRIT PETITION NO.17749 OF 2001

&

CONTEMPT CASE NO.46 OF 2005

COMMON ORDER:

The Writ Petition and the Contempt Case are being disposed of by this common order, as the issue involved in both the matters is one and the same.

This Writ Petition has been filed seeking a direction to the respondents to comply with the orders passed by this Court in W.P.No.1318 of 1987, dated 17.12.1987. The said Writ Petition was filed by one S. Ramabhadraiah; S. Venkata Rangaiah; Samala Chalapathi; and Samala Balavenkata Sivanarayana, in which, this Court directed that the compensation has also to be paid to the petitioners within three months from the date of receipt of the order for the structures mentioned therein.

In the present Writ Petition, the first petitioner is the son of Ramabhadraiah; second petitioner is the son of Venkatarangaiah; third petitioner is the son of Samala Chalapathi; and the fourth petitioner is the fourth petitioner in W.P.No.1318 of 1987. The contention of the petitioners is that in spite of orders passed in W.P.No.1318 of 1987, the respondents have not yet paid the compensation, as directed by this

Court.

In the counter affidavit filed by the respondents in the Writ Petition, as it was stated that the steps are being taken to pay the compensation, this court in W.P.M.P.No.22237 of 2001, by order dated 11.3.2004 directed the respondents to pay the compensation within a period of three months. Complaining disobedience on the part of the respondents in complying with the said interim order, C.C.No.46 of 2005 has been filed.

In the Contempt Case, the respondents filed a counter affidavit stating that all the petitioners are not the awardees in Sy.Nos. 75/1, 105/A1 and 338 in the proceedings under the Land Acquisition Act and only the awardees are entitled to seek any of the benefits over the said land. The persons, who have neither claimed nor received compensation for the land under the award, cannot claim compensation for the Bund over the same land. In compliance with the orders passed in W.P.No.1318 of 1987 and also the orders in W.P.M.P.No.22237 of 2001 in W.P.No.17749 of 2001 dated 11.3.2004 proposals for payment of amounts were submitted by the Special Collector to the Government on 14.2.2005 and the Government through its memo dated 15.2.2005 referred the matter to the Chief Commissioner of Land Administration for remarks. The Commissioner of Land Administration in his report stated that the petitioners in W.P.No.1318 of 1987 are not the awardees in Sy.No.75/1, 105/A1 and 338 and as such there are not entitled to claim the amount to the said structures and hence, difficulty was experienced as to how to make payments to the petitioners, who are not the awardees. However, it is stated that cheques have already been prepared in the names of the petitioners for payment of the amount towards compensation for the structures.

Having regard to the facts and circumstances of the case, the petitioners are granted liberty to approach the Special Deputy Collector (Land Acquisition) for receiving the amount and on such approach, the cheques which are said to have been prepared in the names of the petitioners, shall be paid to them towards compensation for the structures.

With the above direction, the Writ Petition and the Contempt Case are disposed of. No costs.

A. GOPAL REDDY, J

27th APRIL, 2006.

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